

REMARKS

In accordance with the foregoing, claims 1, 3-7, 13, 15, and 24 are pending.

Rejection of Claims 1, 3-7, 13, 15, and 24 Under Nonstatutory Obviousness-type Double Patenting

In the Office Action, at pages 2-4, claims 1, 3-7, 13, 15, and 24 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 5,961,647 issued to Kim et al. ("hereinafter referred to as "Kim") in view of U.S. Patent 6,223,283 issued to Chaiken et al. (hereafter referred to as "Chaiken"). A Terminal Disclaimer is concurrently filed herewith.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 1, 3-7, 13, 15, and 24 Under 35 U.S.C. §103

Claims 1, 3-7, 13, 15, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim in view of U.S. Patent Application Publication No. 2003/0137502 to Lee. This rejection is respectfully traversed.

According to 35 USC §103(c), it is respectfully submitted that Lee is not a proper reference under 35 USC §103(a).

Applicants respectfully submit that certified copies of the two priority documents [(1) Korean Application No. 2002-67059 filed October 31, 2002 in the Korean Intellectual Property Office and (2) Korean Application No. 2002-68086 filed November 5, 2002 in the Korean Intellectual Property Office] had been timely filed in the U.S. Patent and Trademark Office on October 7, 2003 with the above-identified patent application. Applicants respectfully submit that a claim for priority from these priority documents was also properly made on October 7, 2003. Receipt of the certified copies and the claim for priority were acknowledged by the U.S. Patent and Trademark Office in the Office Action mailed April 17, 2006. Verified English translations of the priority documents were filed on March 27, 2009.

Applicants respectfully submit that the priority dates of the priority documents (October 31, 2002 and November 5, 2002) are before the publication date of U.S. Patent Application Publication No. 2003/0137502 to Lee, which was published on July 24, 2003.

In response to our assertion that Lee is not prior art due to 35 U.S.C. §103(a), page 14 of the Office Action states that Lee qualifies as prior art under 35 U.S.C. §102(a), which states, "A

person shall be entitled to a patent unless—(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.” This assertion is respectfully traversed.

Because the priority dates of the priority documents (October 31, 2002 and November 5, 2002) are before the publication date of U.S. Patent Application Publication No. 2003/0137502 to Lee, which was published on July 24, 2003, Lee was not patented or described in a printed publication before the invention thereof by the applicants for patent.

In addition, Applicants respectfully submit that both Lee and the above-identified patent application were assigned or subject to an obligation for assignment at the time of the invention described in the above-identified patent application. Therefore, Lee does not qualify as prior under 35 U.S.C. §102(a) as asserted in the Office Action.

Interview Summary

Applicants thank the Examiner for the courtesies extended to Applicants' attorney during the telephone interview of August 27, 2009. Applicants respectfully request that the Interview Summary dated August 27, 2009 be incorporated into this Response.

In support of Applicants submission that both Lee and the above-identified patent application were assigned or subject to an obligation for assignment at the time of the invention described in the above-identified patent application, Applicants submit copies of documents associated with the assignment and recordation of U.S. Patent Application Publication No. 2003/0137502 to Lee. Therefore, Lee does not qualify as prior under 35 U.S.C. §102(a) as asserted in the Office Action

Accordingly, withdrawal of this rejection is respectfully requested.

Summary

Claims 1, 3-7, 13, 15, and 24 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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UNITED STATES
PATENT AND
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SEPTEMBER 27, 2002

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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RECORDATION DATE: 07/22/2002

REEL/FRAME: 013129/0196

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BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

LEE, EUN-BAE

DOC DATE: 07/04/2002

ASSIGNEE:

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OF KOREA

SERIAL NUMBER: 10199004

FILING DATE: 07/22/2002

PATENT NUMBER:

ISSUE DATE:

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

CC: 15278A

08-01-2002

FORM PTO-1595

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Eun-bae LEE

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SAMSUNG ELECTRONICS CO., LTD.
416 Maetan-dong, Paldal-gu
Suwon City, Kyungki-do, Republic of Korea

JCS 10/199004 PRO

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Execution Date(s): July 4, 2002

4. Application number(s) or patent number(s):

This document is being filed together with a new application:
(a) The execution date(s) of the application is/are: July 4, 2002
(b) The title is: DISPLAYING APPARATUS AND METHOD FOR CONTROLLING THE SAME
OR

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5. Name and address of party to whom correspondence concerning document should be mailed:

STAAS & HALSEY LLP
Attention: Michael D. Stein
700 Eleventh Street, N.W., Suite 500
Washington, D.C. 20001

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)..... (\$ 40.00 per Assignment)

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Michael D. Stein, Reg. No. 37,240
Name of Person Signing

Signature

Michael D. Stein
July 22, 2002

Date

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S-11100

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter, "ASSIGNOR") by
(Insert Name(s) & Address(es) of ASSIGNEE(S))

SAMSUNG ELECTRONICS CO., LTD.
416, Maetan-3dong, Paldal-ku
Suwon-city, Kyungki-do
Republic of Korea

(hereinafter, "ASSIGNEE"), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled
(Title of Invention)

DISPLAYING APPARATUS AND METHOD FOR CONTROLLING THE SAME

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Any registered attorney of STAAS & HALSEY LLP, 700 Eleventh Street, N.W., Washington, D.C. 20001 (202/434-1500) is hereby authorized to insert in (b) the specified data, when known.

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IN WITNESS WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).
(Typed Name & Signature of Inventor(s))

(Date)

(Typed Name & Signature of Witness(es))

1) Eun-bae Lee July 4, 2002
Eun-bae LEE

2) _____

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당소번호 : PS6937/US

2002년 11월 1일

출원번호 : 특허2002-4273

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제 목 : 미국 양도등록 원료 보고의 건

◆ 다 음 ◆

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명 칭	디스플레이장치 및 그 제어방법				
발 명 자	이 은 배	해외출원종류	특허	출 원 국	미국
해외출원번호	10/199,004	해외출원일자	2002.07.22		
국내출원번호	특2002-4273	국내출원일자	2002.01.24	해외대리인	STAAS

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